

Senate Amendment 5245

PAG LIN

1 1 Amend Senate File 473, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by inserting after line 12 the
1 4 following:
1 5 <Sec. _____. Section 144B.1, Code 2007, is amended
1 6 by adding the following new subsection:
1 7 NEW SUBSECTION. 1A. "Designee" means a person
1 8 named in a declaration under chapter 144C that is
1 9 contained in or attached to a durable power of
1 10 attorney for health care.
1 11 Sec. _____. Section 144B.5, Code 2007, is amended by
1 12 adding the following new subsection:
1 13 NEW SUBSECTION. 5. A durable power of attorney
1 14 for health care may include a declaration under
1 15 chapter 144C that names a designee and alternate
1 16 designees who may be different persons than the
1 17 attorney in fact or alternate attorneys in fact who
1 18 are designated in the durable power of attorney for
1 19 health care.>
1 20 #2. Page 3, line 15, by striking the word
1 21 <Directives>.
1 22 #3. Page 3, line 32, by inserting after the word
1 23 <instrument,> the following: <contained in or
1 24 attached to a durable power of attorney for health
1 25 care under chapter 144B, that is>.
1 26 #4. Page 3, line 33, by inserting after the word
1 27 <chapter,> the following: <and>.
1 28 #5. Page 3, line 34, by striking the words <and
1 29 may direct> and inserting the following: <who shall
1 30 have the sole responsibility and discretion for making
1 31 decisions concerning>.
1 32 #6. Page 4, lines 3 and 4, by striking the words
1 33 <to implement the declarant's wishes contained in the
1 34 declaration> and inserting the following: <who shall
1 35 have the sole responsibility and discretion for making
1 36 decisions concerning the final disposition of the
1 37 declarant's remains and the ceremonies planned after
1 38 the declarant's death>.
1 39 #7. Page 4, lines 21 and 22, by striking the words
1 40 <, as applied to implementation of a declarant's
1 41 directives in a declaration,>.
1 42 #8. By striking page 4, line 32, through page 5,
1 43 line 7, and inserting the following:
1 44 <19. a. "Third party" means a person who is
1 45 requested to dispose of remains by an adult with the
1 46 right to dispose of a decedent's remains under section
1 47 144C.5 or assist with arrangements for ceremonies
1 48 planned after the declarant's death.>
1 49 #9. Page 5, lines 12 and 13, by striking the words
1 50 <FINAL DISPOSITION OF REMAINS> and inserting the
2 1 following: <DESIGNEE>.
2 2 #10. Page 5, by striking lines 14 through 19 and
2 3 inserting the following:
2 4 <_____. A declaration shall name a designee who
2 5 shall have the sole responsibility and discretion for
2 6 making decisions concerning the final disposition of
2 7 the declarant's remains and the ceremonies planned
2 8 after the declarant's death. A declaration may name
2 9 one or more alternate designees and may include
2 10 contact information for the designees and alternate
2 11 designees.
2 12 _____. A declaration shall not include directives
2 13 for final disposition of the declarant's remains and
2 14 shall not include arrangements for ceremonies planned
2 15 after the declarant's death.>
2 16 #11. Page 5, by striking lines 20 and 21 and
2 17 inserting the following:
2 18 <_____. A designee, an alternate designee, and a
2 19 third party shall act in good faith and in a manner
2 20 that is>.
2 21 #12. Page 6, line 13, by striking the words
2 22 <directives contained in the declaration> and
2 23 inserting the following: <decisions made by the
2 24 designee>.

2 25 #13. Page 8, lines 18 and 19, by striking the
2 26 words <FINAL DISPOSITION OF REMAINS> and inserting the
2 27 following: <DESIGNEE>.
2 28 #14. Page 8, lines 22 and 23, by striking the
2 29 words <to implement my wishes relating to> and
2 30 inserting the following: <. My designee shall have
2 31 the sole responsibility for making decisions
2 32 concerning>.
2 33 #15. Page 8, by striking lines 25 through 27 and
2 34 inserting the following: <This declaration hereby
2 35 revokes all prior declarations. This>.
2 36 #16. Page 8, lines 29 and 30, by striking the
2 37 words <consistently with my directives as stated in
2 38 this declaration,>.
2 39 #17. By striking page 8, line 31, through page 9,
2 40 line 2, and inserting the following: <under the
2 41 circumstances.>
2 42 #18. Page 9, line 15, by striking the word
2 43 <contained>.
2 44 #19. Page 9, line 15, by inserting after the word
2 45 <completed,> the following: <is contained in or
2 46 attached to a durable power of attorney for health
2 47 care under chapter 144B,>.
2 48 #20. By striking page 9, line 27, through page 10,
2 49 line 9, and inserting the following:
2 50 <3. A declaration may include the location of an
3 1 agreement for prearranged funeral services or funeral
3 2 merchandise as defined in and executed under chapter
3 3 523A, cemetery lots owned by or reserved for the
3 4 declarant, and special instructions regarding organ
3 5 donation consistent with chapter 142C.>
3 6 #21. Page 10, lines 11 and 12, by striking the
3 7 words <or any directive contained in a declaration".
3 8 #22. Page 11, line 15, by inserting after the word
3 9 <by> the following: <the designee, an alternate
3 10 designee, and>.
3 11 #23. Page 11, line 16, by striking the words <a
3 12 directive of the declarant> and inserting the
3 13 following: <the declaration>.
3 14 #24. Page 11, by striking lines 24 through 31 and
3 15 inserting the following:
3 16 <2. The most recent declaration executed by a
3 17 declarant shall control.>
3 18 #25. Page 11, by striking lines 32 through 34.
3 19 #26. Page 13, by inserting after line 6, the
3 20 following:
3 21 <Sec. _____. Section 331.805, subsection 3,
3 22 paragraph b, Code 2007, is amended to read as follows:
3 23 b. If the ~~next of kin, guardian, or other person~~
3 24 authorized to ~~act on behalf control the remains~~ of a
3 25 deceased person under section 144C.5 has requested
3 26 that the body of the deceased person be cremated, a
3 27 permit for cremation must be obtained from a medical
3 28 examiner. Cremation permits by the medical examiner
3 29 must be made on the most current forms prepared at the
3 30 direction of and approved by the state medical
3 31 examiner, with copies forwarded to the state medical
3 32 examiner's office. Costs for the cremation permit
3 33 issued by a medical examiner shall not exceed
3 34 seventy-five dollars. The costs ~~shall be borne by the~~
~~3 35 family, next of kin, guardian of the decedent, or~~
~~3 36 other person of the permit and other reasonable~~
~~3 37 cremation expenses may be paid from the decedent's~~
~~3 38 estate pursuant to section 633.425, subsection 3.>~~
3 39 #27. Page 13, by striking lines 11 through 14 and
3 40 inserting the following:
3 41 <1. ~~Any available member of the following classes~~
~~3 42 of persons, in the priority listed, A person~~
~~3 43 authorized to control the deceased person's remains~~
~~3 44 under section 144C.5~~ shall have the right to control
3 45 the interment, relocation, or disinterment of a
3 46 decedent's remains within or from a cemetery+.>
3 47 #28. Page 15, line 3, by striking the figures <2-
3 48 1.> and inserting the following: <2.>
3 49 #29. Page 15, line 30, by striking the figure <2.>
3 50 and inserting the following: <3.>
4 1 #30. Page 16, line 5, by striking the figure <3.>
4 2 and inserting the following: <4.>
4 3 #31. Page 17, line 3, by striking the figure <4.>
4 4 and inserting the following: <5.>
4 5 #32. Page 17, line 12, by striking the figure <5.>

4 6 and inserting the following: <6.>
4 7 #33. Page 17, line 27, by striking the figure <6.>
4 8 and inserting the following: <7.>
4 9 #34. Title page, line 2, by striking the word
4 10 <directing> and inserting the following: <designating
4 11 a person to have sole responsibility and discretion
4 12 concerning>.
4 13 #35. Title page, line 2, by striking the word
4 14 <person's> and inserting the following: <adult's>.
4 15 #36. By renumbering as necessary.
4 16 SF 473.H
4 17 av/jg/25